

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

REAL CHANGE, a Washington non-profit  
corporation; SHARE, a Washington  
non-profit corporation; WHEEL, an  
unincorporated association;  
NICKELSVILLE, an unincorporated  
association; TIM HARRIS, an  
individual; JARVIS CAPUCION, an  
individual; and TRACEY DEGARMO, an  
individual;

Plaintiffs,

v.

THE CITY OF SEATTLE and SEATTLE  
PARKS AND RECREATION, a Washington  
Municipal corporation;  
CHRISTOPHER WILLIAMS, in his  
individual and official capacity;  
and, JEFF HODGES, in his individual  
and official capacity;

Defendants.

No.

DECLARATION OF  
TIMOTHY HARRIS

Timothy Harris, under penalty of perjury, declares as follows:

1. I over the age of 18 and am a plaintiff in this matter. I am the Founding Director of Real Change. Real Change “provides opportunity and a voice to low-income people while

1 taking action for economic justice.” Real Change publishes a weekly newspaper sold by  
2 an average of 350 low-income people each month, and has vendor services and  
3 organizing programs to help carry out our mission.

4 2. In conjunction with other organizations, Real Change is participating this spring in an  
5 effort we have called Occupy the Committee to End Homelessness in King County  
6 (“Occupy CEHKC”). Occupy CEHKC seeks to influence the body of policymakers that  
7 is CEHKC to attend to the expressed survival needs of homeless people and to broaden  
8 their scope of concern from human services delivery to economic justice.

9 3. On April 25, 2012, the Committee to End Homelessness in King County will meet for  
10 their quarterly Governing Board meeting at the Bertha Landes Room of City Hall.

11 Occupy CEHKC will attend that meeting with a large number of homeless people and  
12 their supporters. We have been given ten minutes on the agenda of that meeting to  
13 express our concerns.

14 4. Leading up to that meeting, beginning at noon on April 24, 2012, to communicate the  
15 urgency of the need to prioritize emergency services, and to demonstrate the reality that,  
16 despite years of planning and policy discussions, thousands of people remain without a  
17 place to sleep other than the streets and parks of Seattle and King County, Occupy  
18 CEHKC plans to begin a continuous political assembly in Westlake Park, in the heart of  
19 downtown Seattle. The assembly is planned to continue overnight and to conclude by  
20 noon on April 25, 2012, after participants attend the CEHKC meeting.

21 5. In order to communicate as clearly as possible our message, the Occupy CEHKC  
22 assembly at Westlake Park will involve signs, speeches, and tents in an encampment  
23 symbolizing the need for additional immediate shelter and housing options. Some,  
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1        though not all, of the individuals who will remain with those tents are homeless and on  
2        that night will lack any alternative but sleeping in the open somewhere in Seattle.

3        6. Maintaining an overnight presence in Westlake Park with tents as a symbolic  
4        encampment of homeless people is a core element of the political speech activities in  
5        which we plan to engage on April 24-25, 2012. It is intended to communicate to passers-  
6        by, to the wider public through media coverage, and to the CEHKC, that many remain in  
7        need of emergency assistance despite years of high-level policy engagement with the  
8        issue of mass homelessness, and to demand immediate action to address those needs.

9        7. This demonstration and encampment are conceived to be in the tradition of other  
10        encampments of very poor people demanding immediate action to address their material  
11        needs. For example, for the past three and a half years, "Nickelsville" in Seattle has been  
12        a continuous presence on public and church-owned property. Nickelsville, launched by  
13        some of the organizations and individuals who are involved in Occupy CEHKC, was a  
14        continuous encampment designed initially to communicate that the City of Seattle should  
15        cease a policy of "sweeping" homeless encampments and instead work to address the  
16        emergency and longer-term needs of those who are homeless in the city. Nickelsville  
17        itself harkened back intentionally to "Hoovervilles," encampments of very poor and  
18        unemployed people during the Great Depression which demonstrated the urgent need for  
19        government relief on a massive scale.

20        8. We have conceived the communication strategy of a 24 hour encampment in the tradition  
21        of encampments being used to communicate dramatically and literally the needs and  
22        demands of impoverished and dispossessed people. We are aware that, throughout the  
23        United States and internationally, continuous encampments have long been a well-  
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1 established way to demonstrate both the immediate needs of those participating, and their  
2 commitment to maintain a sustained level of organizing activity until those needs are met.

3 For example:

4 9. Beginning in June 2011, citizens of Wisconsin erected and continuously maintained tents  
5 as part of their ongoing protests against Gov. Scott Walker's budget bill.

6 10. Boston Massachusetts, April 1968, saw hundreds of protestors occupy a parking lot in  
7 order to protest the Boston Redevelopment Authority's (BRA) displacement of home  
8 owners and occupants. The protestors erected tents and shacks in the parking lot where  
9 between 100 and 400 men stayed continuously for four days.

10 11. In May 1932 around 15,000 WWI veterans marched to Washington D.C., demanding  
11 immediate payment of their "bonus." The bonus, \$1.25 per day served overseas and \$1.00  
12 per day served stateside, had been provided for by Congress in 1924, but was not actually  
13 paid out until 1945. The veterans, their wives and children pitched tents and improvised  
14 shelters in public spaces all over the city and said they were staying until the bonus was  
15 paid.

16 12. The Teachers Movement in Mexico also famously used encampments or plantóns to  
17 communicate a political message. In May 1980, twenty thousand teachers marched and  
18 pitched tents in front of the Ministry of Education's headquarters and the public was  
19 affected so well by this tactic that plantón became a communications strategy used by  
20 many other movements.

21 13. On January 26, 1972, when the Australian Government refused to recognize the land  
22 rights of its aboriginal people, four Aboriginal Australians drove a sun umbrella into the  
23 lawn of the old Parliament house. The next day more tents were set up and the Aboriginal  
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1 Tent Embassy was created. A month later the Embassy presented a list of demands to  
2 Parliament. The Tent Assembly remained in place for six months, and then was again  
3 erected in October 1973, October 1974, and has existed continuously since 1992.

4 14. As can be inferred from its name, Occupy CEHKC also seeks to affiliate, albeit  
5 informally, with the spirit of, and continuous political occupation method employed by,  
6 the national and international "Occupy" movement launched in September 2011 to  
7 demand greater attention to the needs of ordinary people ("the 99%") and an end to  
8 welfare and concessions to banks and the wealthy ("the 1%"). Throughout Fall 2011,  
9 Occupy used sustained presence in public spaces to demonstrate the resolve of  
10 participants to remain actively mobilized until basic issues of economic fairness are  
11 addressed. Occupy CEHKC seeks to communicate a similar message using this now  
12 well-recognized means of expression.

13 15. On April 2, 2012, on behalf of Real Change, SHARE, WHEEL, and Nickelsville, I  
14 submitted an application for a Parks Use permit allowing the planned Occupy CEHKC  
15 political assembly and encampment in Westlake Park from noon on April 24 through  
16 noon on April 25, 2012. I also requested that the fee be waived. As directed by Parks  
17 Department Event Management Office staffer Jeff Hodges on April 4, 2012, I re-  
18 submitted the application on April 4, 2012 using a 2012 application form.

19 16. On or about April 10, 2012, Jeff Hodges left me a voicemail message and emailed me  
20 asking that I call him to discuss the application.

21 17. On April 10 and 11, 2012, I called Mr. Hodges back and left him contact information so  
22 we could discuss the application.

23 18. Around noon on April 12, 2012, Mr. Hodges and I spoke by phone. He informed me that  
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1 our application could be granted except that overnight use (during hours of Westlake  
2 Park closure, from 10:00 pm-6:00 am) could not be allowed. He also indicated that the  
3 number of tents would be limited: one medical tent and one information tent. We would  
4 also be charged a \$50 "First Amendment fee" for the requested parks use and an  
5 additional \$75 for use of electricity.

6 19. The modifications required by Mr. Hodges were unacceptable changes to our event. So,  
7 that same day, April 12, 2012, I submitted an appeal of the denial of our requested use of  
8 Westlake Park.

9 20. On April 13, 2012, I was contacted by Parks Acting Superintendent Christopher  
10 Williams, requesting an in-person meeting to discuss the application. I was not aware  
11 that I would be required to attend a meeting to have my appeal heard. We arranged to  
12 meet and did meet on Monday April 16, 2012 at the Parks Department headquarters.  
13 Both the Parks Department and Real Change had counsel present at the meeting.

14 21. At the April 16 meeting, Chris Williams, Superintendent of Parks and Recreation for the  
15 City of Seattle, explained that we would not be allowed to engage in our planned  
16 encampment in Westlake Park. The City would consider allowing a handful of symbolic  
17 tents (3-4 tents) but no one could remain in or with them overnight, except that one  
18 person could remain in the park as "security." Mr. Williams explained that this was  
19 because Occupy protesters had been arrested for remaining with tents in Westlake Park  
20 last fall and it was necessary for the City to maintain a consistent position on the issue.

21 22. Mr. Williams also reiterated that we would be charged the \$50 "First Amendment fee"  
22 for the requested parks use. When we pointed out that that fee was waived for the  
23 Downtown Seattle Association (DSA) holiday carousel, which ran for six weeks from  
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1 November 2011 through January 2012, Mr. Williams explained that that was because  
2 DSA was in partnership with the City of Seattle.

3 23. I stated that Westlake Park, spending the entire night, and camping in tents are all at the  
4 core of the political message of Occupy CEHKC. The demonstration represents the  
5 “cleansing” of downtown of homeless and very poor people. Maintaining purely  
6 symbolic tents, demonstrating only during the day, or at City Hall, without people  
7 engaged in continuous political assembly would fail to communicate the message that  
8 over 2,500 people in King County (according to the most recent “one night count”) are  
9 forced to sleep outside nightly--not symbolically, but actually.

10 24. Along with the representative of Share/Wheel (other participants in Occupy CEHKC), I  
11 pointed out that, if denied permission to remain assembled in Westlake Park overnight,  
12 participants would be forced to remain overnight in another public location, e.g., on the  
13 sidewalks in front of Nordstrom’s.

14 25. The planned continuous assembly in Westlake has been widely advertised through the  
15 Real Change newspaper, on the internet, through email, and by word of mouth.

16 26. Nicklsville’s mission is to create an eco-village with sturdy, bio-friendly structures for up  
17 to 1,000 people in Seattle to protect homeless people from being driven out in the  
18 mayor's sweeps.

19 27. WHEEL (Women’s Housing, Equality and Enhancement League) is a non-profit and  
20 non-hierarchical group of homeless and formerly homeless women working on ending  
21 homelessness for women.

22 28. SHARE is a Washington non-profit organization constituting a living community for  
23 homeless and formerly homeless individuals working to support Seattle’s homeless  
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1 population.

2 29. Defendants have engaged in a concerted effort over the past fifteen years to “sanitize” the  
3 downtown business core around Westlake Park for the comfort of shoppers and tourists  
4 by pushing homeless populations to south downtown through a number tactics, including  
5 the now infamous “panhandling” ordinance passed by the City Counsel and backed by  
6 the Downtown Seattle Association (DSA), the Seattle Convention and Visitors Bureau,  
7 The Monorail, Starbucks, The Mariners, and a host of other downtown interests. The  
8 proposed panhandling ordinance that was only defeated by the Mayor's veto after  
9 significant public backlash.

10 30. In the recent recession, the City and King County have cut back on funding for  
11 emergency services, including closing homeless shelters.

12 31. We intend to protest major downtown corporations and retailers in the immediate vicinity  
13 of Westlake Park. Groups such as the DSA and corporations have participated in, and  
14 profited from, the effort to sanitize the business core near Westlake Park.

15 32. Also, Defendants have granted DSA specific benefits unavailable to Plaintiffs. For  
16 example, Defendants annually give DSA a permit for use of Westlake Park for  
17 approximately five weeks during the winter holidays for a carousel, which lures shoppers  
18 to the area. Defendants waive all fees for DSA’s permits, on the justification that DSA  
19 and Defendants are engaged in a “partnership.” So, while DSA pays nothing for a month  
20 long permit, we must pay to obtain a permit, not to mention electricity and other costs.

21 33. All of this is done at the expense of Seattle’s homeless.

22 34. The April 24-25 event is also an attempt to directly contact, educate, and mobilize  
23 Seattle’s homeless population for participation in advancing homelessness as a political  
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1 issue. Part of the reason for an overnight event is because being parks overnight is the  
2 only way to reliably find many homeless individuals. It is no coincidence that the “one  
3 night counts” (periodic survey and census of Seattle’s homeless) occur at night. And, of  
4 course, the event is designed to raise awareness of the human cost of homelessness  
5 among all people of Seattle.

6 35. Westlake Park is a public park with a strong history as Seattle’s main traditional public  
7 forum and the city’s central civic gathering place.

8 36. A true and accurate copy of the appeal letter as I sent it is attached to this declaration as  
9 Exhibit 1.

10 37. A true and accurate copy of the confirmation of denial of appeal letter that Defendants  
11 faxed to me is attached to this declaration as Exhibit 2.

12 38. Upon receiving this letter, the permit applicants decided to apply for the permit the  
13 Defendants were offering, pay the fee. We decided to so expressly “under protest” so as  
14 to maintain our legal claim. We decided at that time to file suit.

15 39. Westlake Park is important to Occupy CEHKC’s objective because it is a symbol and  
16 epicenter of the campaign to sanitize downtown for shoppers and tourists at the expense  
17 of the homeless. The businesses that profit from this campaign are literally lined up  
18 around Westlake, and community around it is actually called the “business core.” It is  
19 also important to the message because homeless people actually live in the park.

20 Westlake is important to our message because it the most important public gathering  
21 place in Seattle, and is used for events like mourning national tragedy, celebrating  
22 holidays, and protesting war, inequality, and globalization. It is well-known, centrally-  
23 located, easily accessible by public-transit.  
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2 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
3 knowledge, information and belief.  
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5 Signed this 18th day of April, 2012, at Seattle, Washington.  
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12 TIMOTHY HARRIS  
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